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SUBJECT: FRANCE MOVES TOWARD BAN ON BURQAS

Classified By: Minister Counselor for Political Affairs Kathleen Allegrone, Reasons 1.4(b),(d).

¶1. (SBU) SUMMARY: The parliamentary commission investigating the wearing of the burqa in France recommended banning Muslim women from "concealing their faces" in public facilities on January 26, in the release of their much-anticipated report. Calling for a partial ban on burqas, the commission concluded that the full veils represent a security issue in places like banks, hospitals, and subways where people need to be identified. Considered "contrary to the values of the French Republic" by the panel, the recommendation was largely supported by the French public, although some lawmakers seek to extend the ban on burqas to include all public spaces. These recommendations have met with mixed reactions with support from some French Muslim women and political leaders and critiques from some Muslim leaders who fear a ban could provoke Islamic extremists in France and abroad. Post judges that these legislative steps towards a full ban on burqas are likely to heighten social tension in French society. END SUMMARY.

PARLIAMENTARY COMMISSION RECOMMENDS PARTIAL BAN

¶2. (SBU) Convened six months ago after President Sarkozy said that the burqa was "not welcome on French soil," the parliamentary commission examining the wearing of burqas in France issued their long-awaited report and findings on January 26. In a 700-page report that included 500 pages worth of testimonials, the panel recommended that individuals be banned from "concealing one's face" in French public institutions, including banks, post offices, hospitals, schools, and on mass transit. With the proposed partial ban, France is the first country in Europe to take a national stance on the issue of burqas and could legally justify the limitation as necessary to address "problems of security...in places where we need to identify people." Union for a Popular Movement (UMP) spokesperson Bernard Accroier spelled out the reasons behind the recommendation as "the wearing of the full veil is a challenge to our Republic and we must condemn this excess. The veil stands for everything that France rejects...it is the symbol of the enslavement of women and the flag of fundamentalism." The report advocated barring anyone demonstrating radical religious practices, such as women who wear the burqa and their husbands, from obtaining French citizenship. The report also called for education programs to reduce fundamentalism.

¶3. (SBU) The commission failed to reach consensus on whether to completely ban the burqa from French streets, stating that the means of "stopping this practice is not the easiest to define." The panel recognized that legislation calling for a complete burqa ban in all public places might be challenged at the Council of Europe as unconstitutional or even a violation of human rights and religious freedom. To head off that problem, the commission suggested that parliament seek

advice from the French Council of State regarding the compatibility of such a ban with both French law and the European declaration of human rights. As a result, the committee adjusted its recommendation to a limited ban and a non-binding resolution, which is symbolic in nature, describing the full veil as "incompatible with the values of the French Republic." The parliamentary panel's recommendation of a limited ban will not lead immediately to a new law, as any governmental action on the report would not come before the regional elections scheduled for March 14 and March 24.

THE POLITICAL DEBATE CONTINUES

14. (SBU) The report generated mixed responses among members of parliament, with a majority from across the political spectrum supporting the report's findings and a diverse faction disappointed that the commission did not recommend a full ban on burqas in all public spaces. President Sarkozy's majority UMP party, like the other major parties, remains divided over the issue, with National Assembly leader Jean-Francois Cope pushing for a full ban in French streets while most UMP officials only support a partial ban as recommended in the report. The Socialist Party (PS) abstained from voting on the report recommendations, stating that the issue of burqas does not merit a law. PS members on the 32-member panel also worried that a potential burqa ban could become part of the national identity debate, fueling the fear of Islam and xenophobia that has been heightened recently after the Swiss referendum to ban the construction of additional minarets resonated strongly in France. A member of the Communist Party and president of the parliamentary commission, deputy Andre Gerin cautioned on January 26 that the report should not "lead to a debate about religion" but rather focus on the security "practices" of

terrorism and extremism that "hide behind the full veil."

A DIVIDED FRENCH MUSLIM COMMUNITY REACTS

15. (SBU) The non-governmental group called Ni Putes Ni Soumises (Neither Whores Nor Submissives), representing French women of North African origin and founded by current Minister of Urbanization Fadela Amara, demonstrated in support of the burqa ban on January 25 in Paris. Donning full veils, members maintained silence for hours to indicate that "the burqa is a symbol of oppression against women," said the group's president Sihem Habchi. French television channels broadcasted debates and reports throughout the day on January 26 and 27, featuring women in burqas fiercely defending their right to wear the full veil. On January 26, the French Council for Muslim Faith (CFCM) backed the partial ban on burqas but rejected the idea of extending the ban to all public places. CFCM leader Mohammed Moussaoui maintained that while Islam does not require women to wear full veils, banning burqas would "stigmatize" Muslim women, as the 2004 law forbidding headscarves and other ostentatious religious symbols in French public schools succeeded in doing. The CFCM and the Union of French Islamic Organizations (UOIF) both regretted that the report did not endorse the establishment of a national institute on the study of Islam, nor create a parliamentary study group on Islamophobia as they had initially suggested.

16. (SBU) Calling it "a false debate," the regional CFCM president Mohammed Iboudaaten said on January 26 that "it's a political strategy by Sarkozy. The burqa is not an issue in France." Warning that the panel's report could cause trouble, he agreed that it was not wise to "provoke Muslims not only in France but in the world." Hassen Chalghoumi, a controversial imam who publicly backs the burqa ban, reported that about 80 men burst into his mosque in the Paris suburb of Drancy on January 25, just four days after he came out in support of the ban. He lodged a formal complaint on January 26 for "intentional violence and death threats" by the intruders, who seized the microphone and called him a

"disbeliever" and an "apostate" while declaring they would
"liquidate...this Imam of the Jews."

FRENCH PUBLIC OPINION OPPOSES BURQAS

¶7. (SBU) Viewed by many in France as a sign of extremism and a threat to gender equality and secularism, a majority of French say that they would support an anti-burqa law. However, a recent GN Research survey indicated that 22 percent of respondents were "indifferent" to such a ban, labeling the controversy as a political calculus by Sarkozy to mobilize his conservative base. Although the Ministry of Interior estimates that fewer than 2,000 women wear the full veil, France is home to approximately 5 million Muslims, representing the largest such community Europe. If passed into law in its current form individuals defying the ban would be denied public services. If expanded to include a ban of full veils and burqas in public along the lines of legal text proposed by UMP National Assembly leader Cope on January 12, then violators could face fines of 750 euros (\$1100).

¶8. (C/NF) COMMENT: Despite divisions in the ruling UMP party over the issue, post judges that lawmakers are moving closer to drafting a bill barring the burqa in selected public places based as much on a valuation of security over personal freedoms as on a desire to defend what supporters view as French republican values. Our current calculation of political support in the National Assembly suggests a partial ban on burqas will likely be approved and implemented. We expect legal challenges will ensue including at the national level court system and at European level based on challenges in the European Court of Human Rights. END COMMENT.
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